

1 SB46  
2 173431-1  
3 By Senator Sanders  
4 RFD: Judiciary  
5 First Read: 07-FEB-17  
6 PFD: 02/01/2017

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8 SYNOPSIS: This bill would terminate the parental  
9 rights of a person who is convicted of rape in the  
10 first degree and has a child as a result of the  
11 rape.

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13 A BILL  
14 TO BE ENTITLED  
15 AN ACT

16  
17 To amend Section 13A-6-61, Code of Alabama 1975,  
18 relating to first degree rape; to terminate the parental  
19 rights of a person who is convicted of rape in the first  
20 degree and has a child as a result of the rape.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 13A-6-61, Code of Alabama 1975,  
23 is amended to read as follows:

24 "§13A-6-61.

25 "(a) A person commits the crime of rape in the first  
26 degree if:

1           "(1) He or she engages in sexual intercourse with a  
2 member of the opposite sex by forcible compulsion; or

3           "(2) He or she engages in sexual intercourse with a  
4 member of the opposite sex who is incapable of consent by  
5 reason of being physically helpless or mentally incapacitated;  
6 or

7           "(3) He or she, being 16 years or older, engages in  
8 sexual intercourse with a member of the opposite sex who is  
9 less than 12 years old.

10           "(b) Rape in the first degree is a Class A felony.

11           "(c) If a person is convicted of rape in the first  
12 degree pursuant to this section and a child is born as a  
13 result of the rape, the defendant shall have his or her  
14 parental rights to the child terminated pursuant to Article 3  
15 of Chapter 15 of Title 12."

16           Section 2. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.